THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7866 of 2007

Date: 17.04.2007

Between:
Syed Bin Ahmad

....Petitioner

and

Transmission Corporation of A.P. Limited and others.

....Respondents

O R D E R:

The petitioner is provided supply, through service connection No.N1-2784 of Moghalpura, Hyderabad under Category-II. The premises were inspected on 02.02.2007. The seal upon the meter was found to have been tampered. The respondent issued a notice of provisional assessment, dated 26.02.2007, pointing out that the approximate loss to it on account of tampering with the meter is Rs.1,07,190/-. The petitioner was required to pay 50% of the said amount to ensure continuity of supply. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent.

Normally, whenever the proceedings are initiated alleging malpractices or pilferage, the liability of a consumer would depend upon the outcome of the order of final assessment. There are instances where this Court directed continuity of supply without requiring the consumer to pay any amount on the basis of the notice of provisional assessment. However, the cases where allegations of tampering of meter are pointed out, slightly different approach is needed. When the respondents are entitled to disconnect the power supply on noticing pilferage, the petitioner can be required to pay some reasonable amount, if he wants continuity of supply.

For the foregoing reasons, the writ petition is disposed of,

directing that the respondents shall continue the power supply to the petitioner, on payment of a sum of Rs.15,000/- (Rupees fifteen thousand only) and the actual liability of the petitioner would depend upon the outcome of the final assessment proceedings. There shall be no order as to costs.

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17.04.2007

Note: Issue c.c. tomorrow.
(B/o)
kdl